

COOK

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
PECAN & AGRICULTURAL EQUIPMENT, INC., a corporation vs LOCKWOOD CORPORATION, a Delaware Corporation, and JIMMIE D. JAMES JOE A. IHLE, Additional <i>dismissed 10-18-74</i> Party Defendant to Counterclaim		For plaintiff: David H. Loeffler (Pltf & deft. Ihle) Loeffler & Allen P. O. Box 567 Bristow, Oklahoma 74010 (918-367-3331) Stephen R. Clark (Pltf & Ihle) Fred S. Nelson <i>585-9161</i> Hall, Estill, Hardwick, Gable, Collingsworth & Nelson 805 National Bank of Tulsa Bldg. Tulsa, Okla. 74103 <i>585-7653</i>			
		For defendant: Sidney G. Dunagan, <i>512 9201</i> (Lockwood) Gable, Gotwals, Rubin, Fox, Johnson & Baker 2010 Fourth National Bk. Bldg., Tulsa, Okla. 74119 Chad Bledsoe (James) 201 Security Bank Building Lawton, Okla. 73501 John W. Low (Lockwood) 2900 First of Denver Plaza 633 Seventeenth Street Denver, Colorado 80202 Stephen R. Clark (Ihle) 805 NBT Bldg. 74103 <i>585-9161</i>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>8-1-74</i> <i>9-1-78</i>	Clerk	<i>7-15-74</i>	Dunagan	15 00	
		<i>7-18-74</i>	C/D #3		15 00
J.S. 6 mailed <i>7-1-76</i> <i>12-1-78</i>	Marshal				
Basis of Action: Accounting & Money Judgment for breach of contract	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-15-74	1. Petition for Removal from District Court of Creek County, Bristow Division, filed. g	
7-15-74	2. Removal Bond, Oklahoma Surety Co., surety, filed. g	
7-15-74	3. Notice of Removal, filed. g	
7-17-74	4. Affidavit of Sidney G. Dunagan, filed.k	
7-22-74	5. Motion to dismiss or in the alternative for a more definite statement, filed by def. Lockwood Corp., filed.k	
7-22-74	6. Brief of def. Lockwood Corp. in support of Mot. to dismiss or in the alternative for a more definite statement, filed.k	
7-22-74	7. Motion to Dismiss by def. Jimmie D. James, filed.k	
7-22-74	8. Brief of def. Jimmie D. James in support of Mot. to Dismiss, filed.k	
7-24-74	9. Letter filed granting Pltf 15 days from 7-23-74 to respond to Mot. to dismiss & Mot. for more definite statement of Jimmie D. James & Mot. of Lockwood Corp. to Dismiss or in the alternative for a more definite statement by Judge Daugherty.k <i>copies made</i>	
8-7-74	10. Entry of Appearance of Fred S. Nelson as co-counsel of record for pltf., filed. lm	
8-7-74	11. Pltf's Brief in opposition to deft. Jimmie D. James Motion to Dismiss and Motion for More Definite Statement, filed. lm	
8-7-74	12. Pltf's Brief in opposition to deft. Lockwood Corporation Motion to dismiss and Motion for More definite statement, filed. lm.	
9-3-74	13. ORDER, filed, that all Motions under consideration are <u>overruled</u> . Pltf. will file an Amend. to its Complaint as indicated in Order w/reference to its 1st and 4th causes of action. 10 days from this date (9-14-74) are allowed for this purpose. Defts. will ans. Complaint as amended within 20 days thereafter (10-4-74) (FD-J)jj	
9-10-74	14. Stipulation for Order of Delivery, filed. k	
9-10-74	15. Order of Delivery, filed. (FD-J) k	
9-10-74	16. Delivery Bond #2543675 in the amt. of \$78,170.40, filed. k SAFECO Insurance Co. of America.	
9-16-74	17. Amendment to petition, filed by pltf. k	
9-18-74	18. Combined request for admissions under Rule 36 and deft's interrogatories propounded to pltf. under Rule 33, filed. hm	
9-30-74	MO: Ordered by the Ct. that defs. are granted to 10/15/74 to plead or ans. amendment to petition of pltf. (FD-J)rm - ltr written.	
10-9-74	19. Response of pltf. to def. req. for adm. & ans. to interrog., filed.rm	
10-10-74	20. Notice to take deposition upon oral examination of Joe Schellaci, fld. v	

74-C-286

~~JUDGE DAUGHERTY~~
~~XXXXXXXXXXXX~~
 COOK

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-15-74	21. APPLICATION for Dismissal of this cause against deft. Jimmie D. James stipulated to by all parties, filed.jj 0 to J	
10-15-74	22. Entry of appearance by Dawson, Nagel, Sherman & Howard as addl. counsel for def. Lockwood, filed. rm	
10-15-74	23. Second combined req. for adm. of def. and interrogatories, filed.rm	
10-15-74	24. <u>Answer and counterclaim</u> of def., Lockwood, filed. rm	
10-18-74	25. Order of dismissal, filed and entered, <u>as to def. James only</u> , (FD-J)rm	
11-6-74	26. Pltf's Reply to Counterclaim, filed.jj	
11-25-74	27. Response of pltf. to def. 2nd req. for adm. and ans. to defs. interrogatories, filed. rm	
11-27-74	28. Motion to Amend Counterclaim and Motion by Deft. to Make Additional Party Deft. to counterclaim, filed. v	
12-10-74	29. Ltr. from FD to pltfs., of 12/9/74, directing them to respond to def. Lockwood's mo/amend counterclaim & to add. party def., filed. rm (by 12/19/74)	
12-12-74	30. Pecan & Agricultural Equipment, Inc.'s First Request for Production of Documents, filed. lm	
12-18-74	31. Pltf's objections to Motions to amend counterclaim & to make additional party deft. to counterclaim, filed. b	
12-27-74	32. Pltf's Notice to take depos. upon oral examination of W. L. Sides & Kenneth Pape, filed.k	
1-8-75	33. Order, filed, granting def. mo/amend counterclaim and to make Joe A. Ihle add. party def.; def. will cause process to issue against said def. within 10 days; pltf. will reply to counterclaim, as amended, within 10 days of this date.(FD-J)rm - copies md.	
1-8-75	MO:Ordered by the Ct. that this case is transferred to Judge Cook(FD-J)rm	
1-13-75	34. Deft. Lockwood's response to first request of Pecan & Agricultural Equipment, Inc. for production of documents, filed.k	
1-13-75	35. Brief in support of Lockwood's reponse to first request for production of documents, filed.k	
1-15-75	36. Amendment to counterclaim of def., Lockwood, filed. Summons issued to Joe A. Ihle. rm	
1-20-75	Return on service of summons filed. Served Joe A. Ihle at Bristow, Oklahoma on 1-17-75. \$19.44 ds	
1-20-75	37. Pecan & Agricultural Equipment, Inc.'s reply to deft.'s amended counterclaim, filed.k	
1-30-75	38. Deft Lockwood's supplemental brief in support of response of deft. to first request of pecan & Agricultural Equipment, Inc. for production of documents, filed. lm	

DATE	PROCEEDINGS	Date Order or Judgment Note
2-5-75	Dep. of Tony Popp, taken on behalf of Pltf. before Earl E. Meek, CSR State of Colo., filed.jj	10-21-74
2-5-75	Dep. of Charles Joplin, taken on behalf of Pltf. before Earl E. Meek 10-21-74, State of Colo., filed.jj	
2-5-74	Dep. of Joe E. Asche, taken on behalf of Pltf. before Earl E. Meek, CSR, 10-21-74, State of Colo., filed.jj	
2-5-74	Dep. of Paul Reiff, taken on behalf of Pltf., before Earl E. Meek, CSR, 10-22-74, State of Colo., filed.jj	
2-5-74	Dep. of John Ellis, taken on behalf of Pltf., before Earl E. Meek, CSR, 10-21-74, State of Colo., filed.jj	
2-5-74	Exhibits to above dep., filed.jj	
2-6-75	39. Additional party deft's reply to counterclaim, filed. hm	
2-10-75	40. Pltf's motion for Order for Production of Documents for inspection and copying, filed. b	
2-10-75	41. Memorandum in support of Pltf's motion for order for Production of Documents, filed. b	
2-11-75	MO: Ordered that pltf's motion for order for production of documents for inspection and copying is referred to Magistrate Bradford for hearing and recommendation. (HDC-J)hm	
2-12-75	Dep. of Joseph E. Schillaci, taken on behalf of pltf. before Earl. E. Meek, CSR, 10-22-74, State of Colo., filed. lm	
2-19-75	42. Response of Deft. Lockwood Corporation to pltf's motion for order for production of documents, filed. lm	
2-19-75	43. Memorandum in support of reponse of deft. Lockwood Corp. to pltf's motion for order for production of documents, filed. lm	
2-21-75	MO: Hearing held before Magistrate on pltf's motion for order for pro- duction of documents for inspection & copying. Statements made. It is recommended that motion be sustained in part/denied in part. Deft. counsel to prepare F&R within 5 days. (MLB-Mag)hm	
3-3-75	44. Findings and recommendations of Magistrate, filed. (MLB-Mag)hm (copies mailed)	
3-12-75	45. Pltf's objections and appeal from findings and recommendations of Magistrate on pltf's mot. for Order for production of docu- ments, filed, adopting memorandum filed in support of said Motion for Order.k	
3-13-75	MO: It is ordered by the Court that Deft. Lockwood is granted 10 days to respond to pltf's objections to F & R of Mag. on pltf's mot. for O. for prod. of documants. (HDC-J)k cps mld	

continued

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-18-75	46. Deft. Lockwood Corp.'s Motion for entry of an Interlocutory Partial S/J, filed.k	
3-18-75	47. Brief in support of Deft. Lockwood's Mot. for partial S/J, filed.k	
3-19-75	MO: It is ordered by the Court that Plaintiff is granted 10 days to respond to deft. Lockwood's Mot. for partial S/J. (HDC-J)k cps mld	
3-24-75	48. Brief and Resp. to Pltff's Objs. and Appeal from Findings and Recommendations of Mag. on Pltff's Mtn. for Order for Prod. of Documents., filed.jj	
3-31-75	49. Appl. of pltff. for add. time to respond to def. Lockwood's mo/SJ, filed. rm	
3-31-75	50. Order, filed, granting plaintiff an addl. 20 days from 3/31/75 to respond to def. Lockwood's mo/partial SJ.(HDC-J)rm-copies md.	
4-14-75	Depositions of Kenneth Pape and W. L. Sides, taken by def., filed. (Bill Tucker-CSR; \$304 pd. by def.) rm	
4-21-75	51. Response and Brief of Pltff. to Deft's Mtn. for Partial S/J. filed.jj	
4-21-75	52. Order Overruling the objections to the Findings & Recommendations of the Magistrate, filed.(HDC-J) b cps mld	
4-21-75	53. Order sustaining in part/ & denying in part Pltff's motion for order for production of documents for inspection, filed.(HDC-J)b cps mld	
4-24-75	54. Application to Reply to Response & Brief of Plaintiff to Deft's Motion for Partial Summary Judgment, filed. mm	
4-28-75	55. Order, filed, that deft. Lockwood Corp. is granted 10 days following the deft's receipt of depos. of Joe A. Ihle within which to file reply to pltff's response and brief. (HDC-J)hm (copies mailed)	
5-7-75	56. Supplemental brief in support of deft's motion for partial S/J, filed. hm	
7-3-75	Deposition of <u>David Loeffler</u> on behalf of the deft Lockwood Corp. taken on 4-18-75 before, Frank L. Peterson, CSR W/fees of \$15.00 pd by Deft, Lockwood Corp, filed. mm	
7-3-75	Deposition of <u>Joe A. Ihle</u> on behalf of the Deft., Lockwood Corp. taken on 4-18-75 before Frank L. Peterson, Csr W/fees of \$184.50 pd by Deft Lockwood Corp, filed. mm	
7-28-75	57. Order, filed, overruling mo/partial SJ of def. as to 2nd & 6th causes of action. (HDC-J)rm - copies mailed	
8-4-75	58. Motion for Order to Compel Production of Documents for Inspection & Copying of defendant Lockwood Corporation, filed. mm	
8-4-75	59. Memorandum Brief in Support of Defendant Lockwood Corporation's Motion for Order for Production of Documents, filed. mm	

DATE	PROCEEDINGS	Date Order or Judgment Note
8-4-75	MO: It is ordered by the Court that the plaintiff file a responsive brief within 10 days to the Motion for Order to Compel Production of Documents for Inspection and Copying, filed. (HDC-J) cps mld mm	
8-28-75 60.	Supplemental Pleading to Deft. Lockwood's Motion for Order to Compel Production of Documents for Inspection & Copying Declaring that Motion has been complied with and therefore the motion is rendered moot, filed. mm	
10-8-75	MO: Case set for pre-trial hearing 11-10-75 at 10:30 a.m. (HDC-J)hm	
, 11-7	61. Deft's third combined request for admissions under R. 36 and interrogatories to pltf. under R. 33, filed. g	
11-10	Case called for pre-trial hearing. Parties represented. Statements made. Pre-trial conference memorandum filed in open court. Parties to notify Court within 5 days whether it can be accepted as final PT order. Pltf. granted leave to file motion for partial S/J. Case set for non-jury trial 2-17-76 at 10:00 a.m. (EST-2 days)(HDC-J)hm	
11-10	62. Pre-trial conference memorandum, filed in open court. hm	
12-4	63. Joint submission of PT order and statement of differences, w/ PT order and statements of differences attached. (HDC-J)hm (copies mailed)	
12-15	64. Motion of deft. Lockwood to compel ans. to deft's third combined request for admissions under Rule 36 & interrog. propounded to pltf. under Rule 33, filed. hm	
12-15	MO: Ordered that pltf. & addit. party deft. file response to above motion within 10 days. (HDC-J)hm	
12-24	65. Ans. to Deft's 3rd combined request for admissions under Rule 36 and interros. propounded to pltf under Rule 33, filed. lm	
12-29	66. Response to Deft.'s Mot. to Compel Answers to Deft.'s 3rd Combined request for admissions under R. 36 & interros. propounded to Pltf. under R. 33, filed. v	
12-29	67. Mot. of Deft to compel Plt and Additional party Deft to ans. Deft's. certain interrog., filed. tc	
12-29	68. Memo. in support of Mot of Deft to compel Pltf and Additional party Deft. to ans. Deft's certain interrog, filed. tc	
12-30	MO: It is ordered by the Court that Pltf & additional party Deft. are granted 10 days from this date to respond to Deft's Mot. to Compel Pltf. and add. party Deft. to Ans. Interrog 9, 11, 14, 15, 18, 19, 20, 25-29, 30-38 and 43-50. (HDC-J)tc	
<u>1976</u>		
1-7	69. Appl. for Additional Time for Pltf's Response to Deft's Mot. to compel Pltf & Additional Party Deft. to Ans Interrog. filed. tc	
1-8	70. Order granting pltf. and addl. party deft. until 1-19-76 to respond to deft's mot. for order to compel, filed. (HDC-J)g c mld	
1-9	71. Deft. Lockwood Corp.'s motion to reconsider, filed. ph	
1-9	72. Deft. Lockwood Corp.'s memorandum in support of mo. to reconsider, filed. ph	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-12-76	MO: Ordered that deft's mo/reconsider is hereby overruled. (HDC-J)hm (letter written parties)	
1-19	73. Response to deft's motion to compel answers, filed. lm	
1-21	74. Pltf's interrogs. propounded under Rule 33 and Requests for Production of documents, filed. ph	
1-21	75. Pltf's. & third pty Deft's. additional response to Deft's third request for ans. to interrogatories, filed. tc	
1-23-	76. Reassertion of Mtn. for Order to Compel Ans. to Deft's 3rd Combined Request for Adm. under Rule 36 and Interrogatories Propounded to Pltf. under Rule 33, filed. jj	
1-23	77. Memo, Brief in Support of Reassertion of Mtn. for Order to Compel Ans. to Deft's 3rd Combined Request for Adm. under Rule 36 and Interrogatories propounded to Pltf under Rule 33, filed. jj	
1-23	MO: It is ordered by the Court that plaintiffs are granted 10 days to respond to Reassertion of Motion for Order to Compel Anss. to Deft's 3rd Combined Request for Adms. under R. 36 & Interr. propounded to Pltf under R.33. (HDC-J)jj	
1-26	78 Notice to take depositions of James (Jimmie D.), filed. gv.	
1-28	79. Order, filed, overruling in part/sustaining in part deft. Lockwood's mo/compel pltf. & addit. party deft. to ans. interrog; pltf. is granted until 2-4-76 to ans. certain interrog. (HDC-J)hm (copies mailed)	
2-2	80. Pltf's notice of witnesses to be used at trial, filed. g	
2-2	81. Pltf's Response to Deft's Reassertion of Mot. for Order to compel Ans. to Deft's third combined request for admissions & interrog, filed. t	
2-5	82. Appl. of deft. Lockwood Corp. for imposition of appropriate sanctions upon pltf. for failure to ans. interrogs., filed. ph	
2-5	83. Memo brief in support of appl. of deft. Lockwood Corp. for impos. of approp. sanctions upon pltf. for failure to ans. interrogs., filed. ph	
2-5	84. Pltf's. & third party Deft's second additional response to Deft's. third request for ans. to interrog., filed. t	
2-6	85. Supp. Pleading to and Withdrawal of Appli. of Deft. Lockwood Corp. for imposition of appropriate sactions upon pltf. for failure to ans. interrogs. w/ORDER granting said withdrawal, filed. (HDC-J)lm cps mld.	
2-9	86. Trial Brief of Deft. Lockwood Corporation, filed. jj	
2-9	87. Certificate of Proof of Mailing of Trial Brief of Deft. Lockwood Corporation, filed. jj	
2-9	88. Witnesses and Documents to be presented by defendant at trial, filed. jj	
2-10	89. Documents to be presented by Pltf. at Trial, filed. ph	
2-11	Subpoena, ret. & filed: served Loren Wieberdink, 2-10-76. (USM \$10.16)g	
2-12	90. Joint appl. of parties to submit issue of def. Lockwood's counter-claim to a Special Master, filed. rm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-13-76	91. Motion of def. Lockwood in limine, filed. rm	
2-13	92. Memo. brief in support of mo/limine of def. Lockwood, filed.rm	
2-13	93. Order filed, sustaining in-part/overruling in-part, Deft. Mot. to compel.t cps. mld. (HDC-J)t	
2-13	94. Order filed, submitting the issue of the counterclaim to a special master to make findings as to details of accounting, (HDC-J)t cps. mld.	
2-13	95. Response of Pltf, Pecan & Agricultural etc. and Addtl. Pty. Deft. to Counterclaim, Joe A. Ihle, to the Deft. Lockwood Corp's Mtn. in Limine, filed.jj	
2-17	96. Trial Brf. of Pltf. Pecan & Agricultural Equipment, Inc., filed.t	
2-17	97. Certificate of Proof of Service of Trial Brf., filed.t	
2-17	98. Appl. for clarification of Order, Feb. 13, 1976, filed.t	
2-17	99. Pltf's. & Third Party Deft's Third Additional Response to Deft's Third Additional Response to Deft's. Third Request for Ans., to Interrog., filed.t	
2-17	100. Motion to Dismiss Counterclaim against Pltf. & Additional Party Deft., Joe A. Ihle, filed.t	
2-17	101. Brf. of the Pltf. & Additional Party Deft., Joe A. Ihle, filed.t	
2-19	102 . Deposition of Jimmie D. James, taken on behalf of the Pltfs, taken before Bill Tucker, filed. (Fees \$87.75 pd by Pltf.)t	
2-17	MO: Case tried to the Court Feb. 17, 18, 19 & 20. Parties announce ready. Ruling on pltf's and third party deft's mo/dismiss counterclaim taken under advisement. Ruling on motion in limine reserved. Pltf's applic. for clarification of order re answers to interrog. moot, as deft. states all interros. have been answered. Rule invoked. Pltf. makes opening statement. Deft. defers same until close of pltf's case. Pltf. presents case in chief w/test. of witnesses. Pltf's & deft's exhibits admitted. Pltf's and third party deft's answers to interrogatories #48 & #49 filed on 2-5-76 admitted into evidence. Parts of depositions of John Ellis and W. L. Sides admitted into evidence. Depositions of Tony Popp, Kenneth Pape and Jimmie D. James admitted into evidence. On 2-19-76, parties stipulate that settlement has been reached as to pltf's 3rd, 4th, 5th & 6th causes of action & said causes are dismissed and that deft. dismisses counterclaim & claim against 3rd party deft. Pltf's and third party deft's mo/dismiss counterclaim now moot. Deft's motion in limine moot. Pltf. rests as to 1st, 2nd and 7th causes of action. Deft's mo/dismiss denied. Deft. presents case in chief w/test. of witnesses and rests. Pltf. presents rebuttal evidence w/test. of witness. Parties rest. Closing arguments made. Court takes ruling under advisement and will enter an order. (HDC-J)hm	
2-20	Trial exhibits, filed. hm	
3-1	Joint submissions of order approving settlement and compromise of Pltf's third, fourth, fifth and sixth causes of action and deft's counterclaim, filed. ph	
3-5	102. Order, filed & entered; 3rd, 4th, 5th & 6th causes of action by pltf. are dismiss with prejudice; deft's cntrclaim against pltf. corp. and deft. Joe A. Ihle dismissed with prejudice; pltf. corp. and addl. pty Joe A. Ihle shall pay deft. corp. sum of \$2000.00 no later than 3-23-76; each party hereto shall bear its own atty. fees	

DATE	PROCEEDINGS	Date Order or Judgment Noted
	& costs; Delivery Bond No. 2543675 filed 9-10-74 is released and Principal, Lockwood Corp., and surety, Safeco Ins. Co. of America are fully exonerated. Court's consideration of pltf. 1st, 2nd and 7th causes of action not included in this Order. (HDC-J)g cp mld	
6-23-76	103. Judgment, filed and entered, including F/F & C/L, that damages be assessed in favor of pltf. & against deft. in amt. of \$75,000.00. (HDC-J)hm (copies mailed)	
6-28	104. Motion of pltf. to assess costs, filed. ph	
6-28	105. Brief in support of pltf's motion to assess costs, filed. ph	
6-28	106. Bill of costs, filed in the amount of \$49,044.77. Cost hearing to be held in front of the Clerk on 7-7-76 at 10:00. ph	
6-28	MO: It is ordered by the Ct. that the deft. file a resp. brief within 10 days to the pltf's mo/assess costs. (HDC-J)ph cps mld	
7-2	107. Obj. of def. Lockwood to pltf. bill of costs and mo/assess costs, filed. rm	
7-2	108. Brief in support of obj. to bill of costs, filed. rm	
7-2	109. Motion of def. Lockwood for order to recover expenses and atty. fees against pltf., filed. rm	
7-2	110. Mem. brief of def. in support of mo/order recover exp. & atty. fees, filed. rm	
7-2	111. Motion of def. Lockwood to amend FF & CL, make addl. FF & CL, and amend & vacate judg. accordingly, and alternative mo/new trial, filed. rm	
7-2	112. Brief in support of mo/amend FF & CL, and mo/new trial, filed. rm	
7-6	MO: Ordered by the court that pltf. is granted 10 days to respond to mo/order to recover exp. & atty. fees; and mo/amend FF & CL and mo/new trial. (HDC-J)rm-letter	
7-7	MO: Cost Hearing passed until 7-9-76 at 10:00 a.m. (JCS-CC)ph parties called	
7-9	MINUTE: Hearing held before Clerk re costs. Costs taxed in amt. of \$1,554.39, in favor of pltf. and against def. (JCS-Clk)rm	
7-12	113. Deft. Lockwood Corp's appl. to court to review action of the Clerk of the Ct. under Rule 54 (d), filed. ph	
7-12	114. Brief in support of deft. Lockwood Corp's appl. to ct. to review action of the Clerk of the Ct. Under Rule 54(d), filed. ph	
7-13	MO: Case set for hrg. on mo/deft. Lockwood for order to recover expenses and atty fees against pltf; mo/deft. Lockwood to amend F/F and C/L, make additional F/F and C/L, and amend and vacate judgment accordingly, and alt. mo/new trial; and deft. Lockwood's appl. to Ct. to review action of the Clerk of the Ct. Under Rule 54 (d), on 8-26-76 at 1:30 p.m. (HDC-J)ph cps mld (and Pltf's request for atty. fees.) 7-14-76	
7-15	115. Appl. of pltf. for addl. time to respond to def. mo/order recover exp. & atty fees against pltf. & mo/amend, etc., filed. rm o to be mld	
7-16	116. Order, filed, that pltf. and add. party deft. be granted until 7-26-76 to resp. to deft's mo/order recover exp. & atty fees against pltf. & mo/amend, etc. (HDC-J)ph cps mld	

continued

DATE 1976	PROCEEDINGS	Date Order or Judgment Note
7-26	117. Brief of pltf. in response to deft. Lockwood's motion to amend F/F & C/L, make add. F/F & C/L, and amend and vacate judgment, and alternative motion for new trial, filed.k	
7-26	118. Brief of pltf. in opposition to deft. Lockwood's motion for order to recover expenses and atty fees against pltf., filed.k	
8-26	MO: Case called for hearing on pending motions. Statements made. Deft. Lockwood's motion for order to recover expenses and atty. fees, and deft. Lockwood's motion to amend F/F & C/L, make addl. F/F & C/L, & amend & vacate judgment accordingly, & alternative motion for new trial, <u>both denied</u> ; and deft. Lockwood's motion to review action of the Clerk withdrawn by deft. Pltf's request for atty's fees <u>denied</u> . Supersedeas bond set in the amt. of \$85,000 and bond to be posted within 20 days. Deft. to prepare order setting bond. (HDC-J)hm	
9-8	119. Order, filed, that deft. Lockwood Corp's motion for order to recover expenses and attys. fees against pltf. is denied; Deft. Lockwood Corp's motion to amend F/F and C/L, Make Additional F/F and C/L, and amend and vacate judgment accordingly, and alt. motion for new trial is denied; motion of pltf. that atys. fees be taxed as costs is denied; that costs taxed by the clerk shall stand at the sum of \$1,554.39; and that supersedeas bond to stay the execution of the judgment is set in the sum of \$85,000; the Court grants the deft. Lockwood Corp. 20 days from this date to post supersedeas bond in the amount of \$85,000 and that execution on the judgment rendered shall be stayed pending deft's posting with the Clerk an app. undertaking within the time allowed by this Court. (HDC-J)ph cps mld	
9-15	120. Notice of appeal by def. Lockwood from judg. of 6/23/76,rm(copy to USCA)	
9-15	121. Designation of record on appeal by def., filed. rm	
9-15	122. Appl. of def. Lockwood for approval of supersedeas bond and stay of execution, filed. rm	
9-16	123. Order, filed, approving supersedeas bond of def. and staying execution. (HDC-J)rm-copies mailed	
9-16	124. Supersedeas bond, in amt. of \$85,000 surety, filed. rm	
9-24	125. Notice of appeal by pltf. from judg. of 6/23/76 and Order of 8/26/76, filed. rm (copy to USCA)	
9-24	126. Bond for costs on appeal (\$250 cash), filed. rm	
9-24	127. Designation of record on appeal by pltf., filed. rm	
9-29	128. Designation of addl. parts of orig. papers & exhibits in response to pltf. notice of appeal and designation of record, filed.rm	
10-18	129. Motion of def. to extend time for transmitting appeal record,filed.rm	
10-18	130. Appl. of def. Lockwood to discharge and exonerate surety on removal bond, filed. rm	
10-21	131. Order, filed, discharging and exonerating surety on removal bond,HDC-J)	
10-21	132. Order,filed,ext.time to transmit appeal record to 12/13/76.(HDC-J)rm USCA & Ct reporter	rm-copies md

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>74-C-286</u>
PECAN & AGRICULTURAL EQUIP.		LOCKWOOD CORP.	PAGE <u>10</u> OF <u>6</u> PAGES
DATE	NR.	PROCEEDINGS	
<u>1976</u>			
10-22	--	Transcript of proceedings had on 11-10-75, PT Conference. (Volumes I, II, and III, filed. ph (and non-jury trial proceedings had on Feb. 17, 18, 19 and 20, 1976) (T. Bloxom-CR)	
11-23		Reporter's transcript of hearing on motions, had 8/26/76, filed. (T. Bloxom-CR)rm	
11-24		Record on appeal (13 vols.) transmitted to USCA. rm	
8-28-78	133.	Mandate and opinion of 10th Circuit, filed and spread of record, affirming ct. judg. with exception of denial of atty. fees; case remanded for further proceedings in accordance with opinion.rm	
8-28-78	134.	Order of 10th Circuit, filed and spread of record, directing Circuit Clerk to file bill of costs in amt. of \$110 in favor of pltf.; further denying pltf. appl. to award atty. fees - same to be conducted by D. C., N.D. Okla. rm	
8-28-78	135.	Statement of costs from 10th Circuit, filed and taxed in amt. of \$110 in favor of pltf. rm	
8-31-78	136	Request by pltf. for supplement to original Bill of Costs, fld.ra	
9-25	---	Appeal record (13 vols) received from 10th Circuit. rm	
10-30	MO:	Ordered by the Court that pltf file an itemized statement of atty fee by 11-9-78 and that deft. file a resp. by 11-16-78.(HDC-J)ra ltr mld	
11-20	137	Stipulation & order, fld and entered, that pltf's mot/assess costs, bill of costs and supplement to bill of costs as they pertain to all atty fees properly awardable in this action, whether the same be for atty fees incurred in trial or appeal, are hereby SUSTAINED; Atty fees are hereby assessed in favor of pltf and against deft in total amount of \$25,000.00.(HDC-J)ra	
11-20	138	Order, fld, discharging surety; Safeco Insurance Co. is hereby released and discharged under its supersedeas bond # 3390, dated 9-14-76, and all its obligations thereunder are hereby declared void and of no further force and effect.(HDC-J)ra	
11-20	139	Release & satisfaction of judgement, fld.ra	
7-11-80	--	DEPOSITIONS returned to parties. hm	
4-21-82	140	APPL. of pltf. for order directing disbursement of funds.rm(O)	
4-26	141	RESP of deft to pltf's applic for order directing disbursment of funds.a	
4-26	142	ORDER directing clerk to disburse \$250.00 to Fred Nelson.(HDC-J)a	
7-30	--	DEPOSITIONS returned to deft. counsel. hm	
3-4-83	--	EXHIBITS returned to counsel. hm	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____
		PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
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